

OCTOBER 4, 2010

A Regular Meeting of Mayor and Council was convened at 8:10 p.m. on October 4, 2010 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 22, 2009.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and follow the Boy Scouts in a salute to the Flag.

ROLL CALL: Present: Council Members Bossone, Connolly, Donovan, Grasso, Lee, Lucas

Absent: None

Also present was Borough Attorney James Kinneally and Borough Administrator/CFO Joseph DeIorio

BID AWARD: Glimmer Glass Drainage Phase II Resolution

Borough Attorney James Kinneally went over the bid results for the Glimmer Glass Drainage Phase II. He advised that five bids were received and the lowest bid was Lucas Construction in the amount of \$349,033.00. He advised that Charles Rooney from T&M Associates reviewed the bids and advised that the bids seem to be in proper order. He suggested passing the resolution subject to attorney review as to the bids complying and reviewed and approved by the Department of Transportation.

Council Member Donovan made a motion to award the bid to Lucas Construction subject to Borough Attorney's review to make sure that the bids comply, seconded by Council Member Lucas. Roll call was taken and the motion was approved.

#### APPOINTMENT

The Borough Attorney presented the following resolution for approval.

### **BOROUGH OF MANASQUAN RESOLUTION NO. 141-2010**

#### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN ADDENDUM TO EMPLOYMENT AGREEMENT BETWEEN OPEIU LOCAL 32 (NANCY ACCIAVATTI) AND THE BOROUGH OF MANASQUAN FOR DEPUTY MUNICIPAL CLERK/DEPUTY REGISTRAR**

**WHEREAS**, the Borough of Manasquan is desirous of entering an employment agreement with Nancy Acciavatti for the position of Deputy Municipal Clerk/Deputy Registrar; and

**WHEREAS**, the proposed addendum agreement is attached and made a part of this Resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 18<sup>th</sup> day of October, 2010, as follows:

The Borough Council authorizes and directs the Mayor and Municipal Clerk to execute the employment contract with Nancy Acciavatti.

A certified copy of this Resolution shall be sent to:

Nancy Acciavatti  
Borough of Manasquan  
201 East Main Street  
Manasquan NJ 08736

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Council Member Bossone made a motion to approve the resolution at a salary of \$33,062.50, seconded by Council Member Lee. Motion carried by the following vote "yes", Council Member Bossone, Connolly, Donovan, Grasso, Lee, Lucas. "no" none

Council Member Lee made a recommendation to add a resolution to the Consent Agenda for the NJ Clean Energy SMART start grant funding application for the Energy Audit.

#### CONSENT AGENDA

The Borough Attorney presented the following resolutions for approval.

#### **BOROUGH OF MANASQUAN RESOLUTION 139-2010**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

|                           |            |
|---------------------------|------------|
| CURRENT FUND              | 78,055.71  |
| WATER/SEWER FUND:         | 311,589.14 |
| BEACH FUND. :             | 7,129.68   |
| GENERAL CAPITAL FUND:     | 5,353.44   |
| WATER/SEWER CAPITAL FUND: |            |
| BEACH IMPROVEMENT FUND:   |            |

#### **BOROUGH OF MANASQUAN RESOLUTION 135-2010**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan wishes to provide the necessary maintenance to the area commonly known as Squan Plaza; and

**WHEREAS**, the Manasquan Chamber of Commerce has offered to contribute towards the costs associated with the repair of the Squan Plaza Fountain; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan that the Borough accepts a donation from the Manasquan Chamber of Commerce in the amount of \$750.00 and hereby authorizes the CMFO to charge these funds against the appropriation associated with these costs.

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**BOROUGH OF MANASQUAN  
RESOLUTION NO. 137-2010**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,  
NEW JERSEY, AUTHORIZING THE MAYOR AND  
MUNICIPAL CLERK TO EXECUTE AN EMPLOYMENT  
AGREEMENT BETWEEN BARBARA ILARIA AND THE BOROUGH  
OF MANASQUAN FOR MUNICIPAL CLERK**

**WHEREAS**, the Borough of Manasquan is desirous of entering an employment agreement with Barbara Ilaria for the position of Municipal Clerk; and

**WHEREAS**, the proposed employment contract is attached and made a part of this Resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 4th day of October, 2010, as follows:

The Borough Council authorizes and directs the Mayor and Municipal Clerk to execute the employment contract with Barbara Ilaria.

A certified copy of this Resolution shall be sent to:

Barbara Ilaria  
Borough of Manasquan  
201 East Main Street  
Manasquan NJ 08736

**BOROUGH OF MANASQUAN  
RESOLUTION  
138-2010**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey that the Mayor and Municipal Clerk be authorized to sign an Animal Control Contract with the Associated Humane Societies, Inc. for the term commencing January 1, 2011 through December 31, 2011.

**BOROUGH OF MANASQUAN  
RESOLUTION  
175-2010**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan authorized the Chief of Police to extend the promise of employment for a hire of an additional officer in the Police Department.

**\*Resolution to participate in the Smartstart Energy Audit - memorialized at the October 18, 2010 meeting.**

**\* Resolution to apply for the Historical Grant - memorialized at the October 18, 2010 meeting.**

Mayor Dempsey asked if Council had any questions with regards to these resolutions.

Council Member Lee suggested that Council Member Lucas advise the audience with regards to the Police Department hire.

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Council Member Lucas advised that the Borough has a sergeant that is retiring and in order to maintain the police department at a reasonable level in which the community can be protected, the council is recommending that the Chief consider hiring a new police officer to replace Scott Clayton who is retiring in November.

Council Member Connolly stated that Sergeant Clayton has been out on leave for the last year and there was also another police officer retire, patrolman Gillespie in May. She informed the audience that the police department has been operating with a staff of 16. She believes that at this point that is sufficient. She advised that the Borough will be facing the 2% cap next year. Also, there is binding arbitration concerning the police contract. She advised that she has no problem in 2011, there is another potential retiree coming up in 2011. At this point she stated that she could not support the hiring of an additional police officer.

Council Member Donovan advised that Chief Scimeca explained the problem with hiring next year. The borough would be without a regular officer all summer. If the other retirement occurs in May or June of 2011 it would take at least 5 or 6 months to replace that police officer. He advised that if a police officer is not hired now the borough would go a whole summer down at least 1 police officer if not 2.

Council Member Connolly advised that the police department has been operating with a total of 16 to date. She stated that if Randall gives us an exact date, he said sometime in 2011..... Council Member Connolly was interrupted by council and the municipal clerk. The Borough attorney advised Council member Connolly that she can not talk about employees by name. Council Member Connolly continued and stated that she believes that it is sufficient to have a staff of 16 at present.

Council Member Lucas advised that with a new hire there is a good possibility that that person has to go through the process, background investigation and all the other requirements, that are mandated in order to hire a police officer and he or she has to go through training which extends 4 or 5 months. He stated that goes into the middle of next year already. He believes it is incumbent upon the Mayor and Council that we look towards protecting life and property and maintain a police force that can be depended upon to honor our complaints and protect the citizens of this community.

The Borough Attorney advised the Mayor and Council that the resolution regarding the promise of employment for an additional hire should be removed from the consent agenda. He recommended taking a vote on the consent agenda and taking a vote on the promise of employment separately.

Council Member Donovan made a motion to approve the Consent Agenda items, seconded by Council Member Bossone. Motion carried by the following vote "yes", Council Member Bossone, Connolly, Donovan, Grasso, Lee, Lucas. "no" none.

Council Member Bossone made a motion to approve a resolution for a promise of employment to the police department officer, seconded by Council Member Lucas. Motion carried by the following vote "yes", Council Member Bossone, Donovan, Grasso, Lee, Lucas. "no" Council Member Connolly.

Council Member Lee made a motion to approve the Regular Meeting Minutes of 8/16/2010 and Special Meeting Minutes of 8/23/2010, seconded by Council Member Donovan. The motion was carried unanimously.

#### COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso stated that there has been a spike in permits this month. He stated that the winter rentals brought in quite a bit of money. Uniform construction also came out with 247 permits for the month of September for a total of \$18,569. Year to date \$146,311.00.

Administration & Finance Committee – Council Member Connolly advised that the Administration & Finance Committee approved the Borough bills totaling \$402,127.97. She informed the audience that details about these bills are available on the front desk. She advised that the summary of bills is posted on the website, along with the budgets. Council Member Connolly thanked the new CFO/Administrator for getting the documents posted.

Public Property Committee – Council Member Lucas read a memo from the Police Chief with regards to Operation Take Back New Jersey, which is medicine disposal day. He commended the town residents for complying with this directive. He advised that the police department has installed an automatic license plate

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reader as a result of a homeland security grant. He read the report for the license plate reader from the Chief of Police.

Public Works Committee – Council Member Lee advised he is waiting for some updated information with regards to the NJ Clean Energy Audit Program for the initial walk through edits. They are pursuing some grant opportunities to compliment that. He advised that the geese issue is frustrating and that they are looking into some other methods of scaring away the geese. He thanked the Recreation Commission and the supporting groups for renovating the DCI building.

Beach Committee – Council Member Bossone wished good luck to Nancy Acciavatti for moving over one more desk, closer to the Clerk's Office. He advised that the bathrooms down at the beach are now closed. He also advised that the contractor will be in soon to repair the floors in the bathrooms at their own expense. The showers will be removed this week. He advised that the showers should be looked at in next year's budget for whoever takes over the beach next year to replace them. He advised that the front of Pompano Parking Lot booth has lighting. He also advised that pre-season beach badges and parking passes will be on sale December 1, 2010 through the 28<sup>th</sup>, Monday through Friday, here at Borough Hall. He thanked the Chamber of Commerce for their \$750.00 donation towards the repair of the fountain in Squan Plaza.

Public Works Committee – Council Member Donovan advised that the fountain work was completed in a timely manner. The Arts & Crafts fair was held the day after the fountain was running and it looked terrific. He advised that the DPW inflow preventers, they are like garbage can lids that go under manhole covers on the street, have been installed in all the manholes where there were problems. He advised that there was an infiltration and intrusion study done by the South Monmouth Sewerage Authority and hundreds of thousands of gallons of water was running into our sanitary sewer from the roadways. These inflow preventers will reduce the amount of rain water that gets into our sanitary system. He stated that it would save the Borough quite a bit of money. He advised that Micropave is starting work on Brielle Road and the Beachwalk. They are going to seal up those two areas and hopefully that will save a lot of money in the future. It is relatively inexpensive temporary repair but it seals the blacktop so that it won't be destroyed during the winter season. He advised that they fill the cracks and seal the road. A Company call Traffic Lines Inc. came in and did some work on Main Street all the way down to the railroad station and part of the way up into Main Street and they were mobilized by the state department of transportation. Those lines should last 10 years compared to the one year or year and half that we would normally get out of painting those lines. Hydroflushing will begin on Monday, October 18, 2010 and will last until Friday, October 29, 2010. Leaf pick up began on the east side of town. It rotates back and forth alternate weeks. West side has there leaf pickup beginning next Tuesday because Monday is Columbus Day holiday. He asked that the leaves not be put out until it is your part of town scheduled week for the pick up. That is in accordance to the storm water regulations. The grease trap ordinance is very close to being introduced. Patrick Callahan and Tom Nicaastro worked very hard on this ordinance. They went to several towns, they grabbed their ordinances and took a look at them and decided what would be best for Manasquan. He advised that there has been a serious problem in sewer mains from Main Street towards the beach where grease from retail food establishments has been collecting in the sewer mains and blocking them up. This ordinance is to help stop this problem in the future. DPW and the Environmental Commission co-sponsored a paper shredding event. It was paid for by the DPW money that is dedicated to recycling only. He advised exactly how the recycling credit works. Sunday was the second town clean up in 2010. We had one in the spring and the second was just yesterday. 93 volunteers collected 40 bags of recyclables, 28 bags of garbage, 2 bicycles, several pieces of reinforcing bar, a futon and other interesting things. Stockton Beach Park, Alice Hemphill Sanctuary, the secret beach on Warren and Perrine Blvd. and the area behind Manasquan Elementary School that runs out to Route 71. There was a great turn out from the girl scouts, brownies, daisies, boy scouts, cub scouts, wolf pack, Manasquan HS Environmental Club, Manasquan HS Key Club, couple of faculty members from the HS came out to help and supervise the kids, which included 6 members of the environmental commission. They also collected food for the Monmouth/Ocean food bank.

Council Member Connolly made a motion to open the meeting up to the public, seconded by Council Member Bossone. Motion carried unanimously.

#### AUDIENCE PARTICIPATION

Bob Grunder, Perrine Boulevard stated that he would like to make a comment and then ask a question in regards to the recent tabling of the Taxi Ordinance. He stated that for those who walk in the beach area in the evenings, the taxi cabs are a hazard in town. They double park, they inhibit the traffic from going around them on streets that are not designed for that type of traffic. If they are not blocking the street, they are in the driveways blocking the sidewalks which makes the pedestrians walk in the street. It is a potential hazard and a

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potential accident waiting to happen. I respectfully read Jeff Lee's comment in regards to emptying the town out a lot quicker if we bring more cabs in. Mr. Grunder stated that he respectfully submit this Jeff, conversely if we don't allow as many cabs into the town that's going to be less bar hoppers in the town and then it will be less people that need to be evacuate, so it really seems to me that rather than let this thing linger around until the spring it should be re-instituted and brought onto the table now. He asked what was your thinking process to not vote that ordinance in?

Council Member Lee stated that the issues that were raised regarding the traffic or double parking, those issues can certainly be addressed by the police today. He advised that the Taxi Ordinance has nothing to do with that. That is an enforcement issue. He stated that he did not endorse the Taxi Ordinance because after talking to the police chief, law enforcement and to the taxi owners, they say that most of the outside cabs that come into our area come specifically on Friday and Saturday nights. These cabs are not here most times cruising during the day looking for a fare. He advised that he would not support an ordinance that charges a fee for protection or a service when the police chief and law enforcement not be enforcing it because, in their judgment, they have higher priority quality of life issues to protect in that area.

Mr. Grunder advised that he believes the ordinance is self policing when you think about. Particularly since our neighbors in Sea Girt have recently passed that ordinance. He can see where people would get into a rogue cab and they will not take them out of town they will stay in Manasquan and that will bring more rogue cabs and a lot more drinkers in the town.

Council Member Lee responded to that with that any one that is picked up in a cab can be taken wherever they request. You do not need a license to do that. In fact, the ordinance does not cover that.

Mr. Grunder stated that he was under the impression that it just licenses a certain number of cars that come into our town.

Mayor Dempsey advised that if you get a taxi in Asbury Park to bring you home and he is not licensed in Manasquan he can still bring you home.

Mr. Grunder asked what the ordinance covered? He asked if it covered that the cabs can not pick up from Manasquan to take out?

Council Member Lee advised that Council Member Grasso can explain it better but his understanding was that there are cabs that sit there and wait for people that are leaving the bar. This would limit those cabs to stage waiting for folks that are leaving. It would limit the amount of taxi cabs that can do that, if this ordinance was passed it would require a license. It would not prevent you from calling from that location requesting a cab to pick you up. It would only cover the cars stacking up waiting for patrons to leave an establishment.

Mr. Grunder advised that when he read the ordinance in Sea Girt, he thought it limited the number of taxi cabs that could be used within the town and limit the number of cabs that each individual owner could bring into the town, but eliminate other taxis from coming into the town.

Council Member Grasso advised that a taxi can come into our town if they are not licensed if someone calls for them. For example, it could be a taxi from Howell or wherever, they are allowed to pick up their fare. He stated that if our own taxi cabs have licenses they will have more people calling them to get their business. He advised that there are 4 or 5 taxi cabs in town, they should get the business. If a rogue cab comes into town and keeps cruising around the Osprey or Leggetts or one of the other establishments, that person has to be licensed. But if that person gets called to come in they do not need a license. He advised that the licensing would give our town cabs a better opportunity to do more business in town. It would keep certain taxi cabs that don't belong here out.

Mr. Grunder advised that he thinks he must have misunderstood it. He thought that if the town was limiting the amount of cabs within the town it could be nothing but beneficial to the welfare and safety of the people in town.

Council Member Grasso stated that that is all a component. Safety is in there. He advised that our own taxi cab companies, which do want this, there might be 1 out of 5 that doesn't want it, they are all in agreement of it. He advised that it complies with the surrounding areas and that the other towns are looking into or have already done.

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Council Member Lee takes issue with Council Member Grasso's point that all the cabs want that. It is his understanding that many would entertain it if it was going to be enforced. Again, it comes back to the police chief's perspective and our law enforcement personnel. When the bulk of this activity happens their focus and priority are on quality of life issues and to move people out of town quicker. They feel it is a resource.

Mr. Grunder stated that he understands but it sounds academic at this point. He suggested that the police would not have the amount of problems that was suggested because if the rogue cabs get a ticket, they are certainly not going to come back knowing that they are going to get a fine that might be double or triple of what it is. He stated that after the first few weeks of this thing it is self policing.

Council Member Lee advised that the ordinance is tabled.

Council Member Grasso advised that it would limit certain cabs coming into town. He advised again that if someone calls for a taxi cab they will be allowed into town for that pickup. He advised taxis can not come from other areas and just cruise around town. They will need to be licensed. He stated that it is a good ordinance as far as the safety, taking care of local companies that work here and make a living here. He advised that he believes that it is a good ordinance.

Mr. Grunder's second question is in regards to the boat dock rentals. He stated that Council Member Lee advised him that he is going to look at the fee structure for the upcoming season. He advised that the rates are unduly low in this town. He thinks that a big percentage of the people that rent the boat slips in Manasquan are not necessarily Manasquan Residents. He stated that we are giving a lot of people from out of town a break. He advised that he owns boat slips. The reason that we have a big influe of people that want to rent boat slips here is because they are rented on a yearly basis, which is unheard of. If they were on a seasonal basis at least you know you are protecting your slips, protecting your pilings when things in winter months are much more severe on the dockage. He stated that he believes that the town is giving a break to the people for their rental because they do not have to pay for winter storage. Secondly, the reason you have these big line ups, for people wanting to rent slips, is because the town is renting for too low amount of money. He believes that there is an important money maker there and that we should endeavor to charge at least the going rate. He advised that he submitted all this last year. He believes that there is an important asset there that we are giving away.

Council Member Lee advised that surveys have been done of the surrounding area and that the Borough will continue to look and try to get more in line to what the market bears. He wanted to correct Mr. Grunder in that we have made a window, it is not for a year, it is from March to the end of October.

Council Member Donovan advised that there is an in the water fee if you are going to store your boat there. \*\*\*\*This information was stated incorrectly. It was corrected at the meeting on December 6, 2010.

Ed Hyer, 56 Second Ave., back in September there was a lot of discussion about the Turbine. He stated that the Borough was supposed to be reaching out to our state representative Assemblymen and Senators. He asked if there is an update, have we heard back from them?

Mayor Dempsey advised that letters went out to all representatives and there has not been a direct conversation with them, but Sea Girt sent it to their group, we sent it to our group, and we also asked the 2 groups to unite. We spoke to Spring Lake's Mayor and she put out a resolution this past week. We are working on it.

Mr. Hyer just wanted to know if we heard back from the representatives or if there is any other update.

Council Member Lucas advised that there is a study on what the effect would be on bats, birds, and bugs. He advised that until this study is done there will not be much of a feed back.

Mayor Dempsey stated that study should be done towards the end of the year.

There was a brief discussion on when the actual report will be done and when it will be released.

Mayor Dempsey stated that once it is actually done he will reach out to the General and see if he has it ahead of time.

Mary Ryan, 113 Beachfront thanked Council Member Connolly for getting the budgets put on the website. She asked if the minutes will be posted on the website.

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Mayor Dempsey stated that the minutes will be abridged not word for word.

Council Member Connolly advised that that has been accepted and believes that it is being worked on now.

Mary Ryan thanked all the council members who voted to endorse the promise of employment for the additional officer with the police department. She stated that being a resident of the beach front area she personally knows how critical it is that we have sufficient officers on the force. She stated that she had a wonderful experience with Lt. Bauer and working with the neighborhood watch committee on the beach front, especially in the summer time. She went over the reason for keeping the police force numbers up.

Lou Coccozza, 45 North Potter Ave., stated that Mayor Dempsey's comment to Mary Ryan prompted this question concerning the minutes going online. His concern was the Mayor stating that the minutes would be abridged. He stated that in an e-mail from Colleen Scimeca stated that the minutes have to go on as they are dictated, nothing can be changed only by order of a judge. He believes that the word abridged is something is being changed. He asked who is going to do the abridgement.

Mayor Dempsey stated that there is no stenographer here to write down every word. He stated that the minutes for an hour meeting would be like 30 pages. He advised that the council does not receive verbatim minutes, they get abridged minutes.

Mr. Coccozza asked "you don't take advantage that there is a recording machine"?

Mayor Dempsey advised that if there is something that they particularly want to listen to they can go in and make an appointment to listen to them with Colleen as council. He advised that the minutes that they receive is abridged already.

Mr. Coccozza asked if they are verbatim.

Mayor Dempsey advised that they are not.

Mr. Coccozza asked that what ever process that the council will be going through to do the abridgement is the same process.

Mayor Dempsey and Council Member Bossone both advised correct.

Mayor Dempsey advised that it would be the regular minutes not the closed session.

Council Member Donovan made a motion to close the public portion, seconded by Council Member Lucas. Motion carried unanimously.

Council Member Lee made a motion to close the regular meeting at 9:00 p.m., seconded by council Member Bossone. Motion carried unanimously.

Respectfully submitted,

*B. Ilaria*

Barbara J. Ilaria  
Municipal Clerk

**DATE APPROVED** 12-20-2010